

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

vs.

E.I. DU PONT DE NEMOURS AND
COMPANY and
PIONEER HI-BRED INTERNATIONAL,
INC.,

Defendants.

Case No. 4:09-cv-00686-ERW

**MOTION FOR LEAVE TO FILE UN-REDACTED
MEMORANDUM AND EXHIBITS UNDER SEAL**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully move the Court for an order allowing Monsanto to file a complete, un-redacted copy of Monsanto’s Memorandum in Support of Monsanto’s Emergency Motion Regarding Defendants’ Violation of the Protective Order and Other Court Orders, and Exhibits D and E thereto, under seal. As grounds for this relief, Monsanto states:

1. This action is for patent infringement, breach of contract, unjust enrichment, and injunctive relief against Defendants E.I. du Pont de Nemours and Company (“DuPont”) and Pioneer Hi-Bred International, Inc. (“Pioneer”) involving United States Patent No. U.S. RE 39,247E (the “‘247 Patent”) and Monsanto’s grant of licenses to Monsanto’s patented and proprietary soybean technology and corn technology pursuant to two licenses between Monsanto and Pioneer entered into on April 1, 2002: (1) an Amended and Restated Roundup Ready Soybean License Agreement (Exhibit B to the Complaint) and (2) a Roundup Ready Corn

License Agreement (Exhibit C to the Complaint) (hereafter referred to collectively as the “License Agreements”). The specific terms of the License Agreements are subject to confidentiality provisions contained within the underlying licenses. See Exs. B & C to Complaint.

2. In addition, Exhibits D and E to the memorandum in support are confidential documents. This Court has previously allowed the parties to file various un-redacted pleadings and confidential documents under seal. See e.g., Docket Text Orders entered May 20, 2009 and June 17, 2009. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

3. Portions of Monsanto’s memorandum in support contain language quoted directly from the confidential documents. Therefore, these portions, and Exhibits D and E thereto, should be sealed. Monsanto will also file a redacted version of its memorandum in support, with Exhibits A, B and C thereto, as part of the public record.

WHEREFORE, Monsanto respectfully requests the Court enter an order allowing Monsanto to file a complete, un-redacted copy of Monsanto’s Memorandum in Support of Monsanto’s Emergency Motion Regarding Defendants’ Violation of the Protective Order and Other Court Orders, and Exhibits D and E thereto, under seal.

Dated: October 8, 2010

Respectfully submitted,

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By: /s/ Joseph P. Conran.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of October, 2010, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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